DETAILED ACTION

1. The following is a Non-Final Office Action in response to communications received August 01, 2008. Claims 1-16, 21-22, 27-28, 38 and 45-50 have been amended. No new claims have been added. Therefore, claims 1 -50 are pending and addressed below.

Response to Amendment

Specification

2. Applicant's amendments in response the examiners objection for lack of antecedent basis with respect to the use of the terminology "specific aspects" and "explicit consideration" are persuasive. Examiner withdraws objections with respect to 37 CFR 1.75 (d)(1) as applied to the written description.

Applicant's arguments in response the examiners objection for lack of antecedent basis with respect to the use of the terminology "dependencies" are persuasive.

Claim Rejections - 35 USC § 112

3. Applicant's amendments in response to the 35 USC 112, second paragraph rejection for claims 1-7, 8-14, 16, 21, 34, 38 and 45-50 are sufficient to overcome the rejection. Applicant's amendments to claims 27-28 are not sufficient to overcome the 35 USC 112 second paragraph rejection set forth in the previous action, see rejection below.

Claim Rejections - 35 USC § 101

4. Applicant's amendments in response to the 35 USC 101 rejection for claims 2 and 9 are sufficient to overcome the 35 USC 101 rejection set forth in the previous action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to Claim 27 and 28:

Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The subject matter of Claims 27 and 28 uses the terminology, "dependencies" for which does not define the metes and bounds of the limitation and has not been defined in a manner to allow clarity and precision for the purposes of examining the claim.

Note on interpretation of claim terms - Unless a term is given a "clear definition" in the specification (MPEP § 2111.01), the examiner is obligated to give claims their broadest reasonable interpretation, in light of the specification, and consistent with the interpretation that those skilled in the art would reach (MPEP § 2111). An inventor may define specific terms used to describe invention, but must do so "with reasonable clarity, deliberateness, and precision" (MPEP § 2111.01.III). A "clear definition" must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. A clear definition is indicated by a section labeled

definitions, or by the use of phrases such as "by xxx we mean"; "xxx is defined as"; or "xxx includes, ... but does not include ...". An example does not constitute a "clear definition" beyond the scope of the example.

What does the applicant mean by "dependencies of the rating results" as stated in claim 27 and the specification? Are the dependencies based upon the information itself, are based on how the information is determined to be rated, what the information precision value is?

When the instant claims contain technical terms, for which the specification does not appear to provide "clear definition". If applicant takes issue with the examiner's interpretations of terms, it would be helpful if applicant gave the basis in the specification for the applicant's preferred interpretation.

For examination purposes the examiner is defining the limitation "dependencies" to be any data which affects the rating (.i.e. raw data, category, weight factor, time factor, historical data, future value, etc...).

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 15, 16-32 and 37-50 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to Claims 15 and 16:

Claim 1 is directed toward the statutory category of a method (process), however according to Supreme Court precedent and recent Federal Circuit decisions, in order to be statutory under 35 USC 101 the process must (1) be tied to another statutory class

(such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101 and is rejected as being directed toward non-statutory subject matter.

As example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter being transformed, for example by identifying the material being changed to a different state. (Diamond v. Diehr, 450 US 175, 184 (1981); Parker V. Flook, 437 US 584, 588 n.9 (1978); gottschalk v. Benson, 409 US 63, 70 (1972); Cochrane v Deener, 94 US 780, 787-88 (1876)). Applicant is also directed to MPEP § 2173.05p, providing guidance with respect to reciting a product and process in the same claim and MPEP § 2111.02 [R3] providing guidance with respect to the effect of limitations within the preamble of a claim.

Examiner finds these method claims lack structure such as on a "computer readable medium". One example of corrective action might be to place "electronically" before an action verb and "on computer (or other appropriate structure)."

For example in the claim:

"Method comprising:

Calculating a score

Assigning rank…"

Would need to become:

"Method comprising:

Electronically calculating a score on a processor…

Electronically assigning rank on a processor…"

This is just one elementary example to provide guidance however there many be various ways to overcome the 101 method without structure rejection.

In reference to Claims 17-32 and 37-50:

Claims 17-32 and 37-50 depend upon claim 15 and 16 and do not cure the deficiencies cited above therefore, claims 17-32 and 37-50 are also rejected under 35 USC 101.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3, 7-8, 10, 14-20, 23-24, 27-28, 31-34, 39-42 and 51-56 are` rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,757,660 B2 by Canada et al. (Can).

In reference to Claim 1:

(Currently Amended) A system ((Can) FIG. 2) of producing a rating result for a corporation, comprising: a data management system, the data management system ((Can) FIG. 2; Col 3 lines 35-42, Col 5 lines 32-34, Col 6 lines 7-15), being configured to receive data ((Can) Col 3 lines 30-36, Col 5 lines 33-38), relating to risks ((Can) FIG. 9A-9C; Col 3 lines 22-25, Col 6 lines 18-23, 28-33), opportunities and factors ((Can) 3 lines 20-28) for each of a plurality of non-overlapping units of the corporation ((Can) FIG. 4A (exemplary: Headquarters Division (unit), Office Operation, Branch Plant (unit), Distribution, Manufacturing (unit) ; Col 3 lines 8-12, 15-20, Col 4 lines 37-39), and to quantify expectations, uncertainties, and correlations associated with the received risks, opportunities, and factors, the plurality of non-overlapping units being partitions of the corporation; and an integration system, the integration system being configured to consolidate the received risks and opportunities, including the effects of the uncertainties and correlations, to thereby produce a rating result ((Can)FIG. 3D, 3E, FIG. 6, FIG. 7, FIG. 8A-1-9A; Col 4 lines 65-67, Col 5 lnes 1-9, 10-17, 51-60, Col 6 lines 28-34).

In reference to Claim 3:

(Currently Amended) The system as claimed in claim 1 (see rejection of claim 1above), further comprising: an expert system configured to identify weaknesses and strengths of said non-overlapping units ((Can) FIG. 7, FIG. 8A-1 through 8D-2, FIG. 9A-9B; Col 3 lines 15-20, Col 6 lines 26-28; wherein Can teaches correlated percentage rating on predefined elements which defines by the rating the weakness and strengths).

In reference to Claim 7:

(Currently Amended) The system as claimed in claim 1, wherein the system is configured to reporting an estimate, in real-time, of an obtainable rating with a current data set of a corporation ((Can) FIG. 2; Col 6 lines 7-16).

In reference to Claim 8:

(Currently Amended) A system of valuation comprising: a data management system, the data management system being configured to receive data relating to risks, opportunities and factors for each of a plurality of non-overlapping units of the corporation, and to quantify expectations, uncertainties, and correlations associated with the received risks, opportunities, and factors, the plurality of non-overlapping units being selected partitions of a valuation object: and an integration system, the integration system being configured to consolidate the received risks and opportunities, including the effects of the uncertainties and correlations, to thereby produce a valuation result

The method of Claim 8 corresponds to the method of Claim 1, therefore, the method of Claim 8 has been analyzed and rejected as per previously discussed with respect to Claim 1. The feature in claim 8 that is separate from claim 1 is "non-overlapping units being **selected** partitions" ((Can) Col 3 lines 7-14).

In reference to Claim 10:

The method of Claim 10 corresponds to the method of Claim 3, therefore, system of Claim 10 has been analyzed and rejected as per previously discussed with respect to Claim 3.

In reference to Claim 14:

The method of Claim 14 corresponds to the method of Claim 7, therefore, system of Claim 14 has been analyzed and rejected as per previously discussed with respect to Claim 7.

In reference to Claim 15:

(Currently Amended) A method of producing a rating result for a corporation, comprising selecting a partition of the corporation into non-overlapping units ((Can) FIG. 4A (exemplary: Headquarters Division (unit), Office Operation, Branch Plant (unit), Distribution, Manufacturing (unit) ; Col 3 lines 8-12, 15-20, Col 4 lines 37-39); entering data into a data management system relating to risks, opportunities, and factors for said non-overlapping units, including data relating to quantifications of expectations, uncertainties, and correlations associated with the risks, opportunities, and factors ((Can) FIG. 3A-5; ((Can)FIG. 3D, 3E, FIG. 6, FIG. 7, FIG. 8A-1-9A; Col 4 lines 65-67, Col 5 lnes 1-9, 10-17, 51-60, Col 6 lines 28-34) consolidating the risks and opportunities, including the effects of the uncertainties and correlations, to thereby produce a rating result ((Can) FIG. 2, FIG. 7; Col 5 lines 20-15, 33-45, 50-60)

In reference to Claim 16:

The method of Claim 16 corresponds to the method of Claim 15, therefore, the method of Claim 16 has been analyzed and rejected as per previously discussed with respect to Claim 15. The feature separate from claim 16 versus claim 15 is the limitation "valuation object" versus "corporation". The feature is non-functional

descriptive matter. Simply naming a features of a kind does not separate the method nor affect the end results.

In reference to Claim 17:

(Original) The method of claim 15 (see rejection of claim 15 above), wherein the selecting includes constraining selection to partitions along one level in an organizational hierarchy of the corporation ((Can) FIG. 4A; Col 4 lines 35-39).

In reference to Claim 18:

The method of Claim 18 corresponds to the method of Claim 17, therefore, the method of Claim 18 has been analyzed and rejected as per previously discussed with respect to Claim 17.

In reference to Claim 19:

(Original) The method of claim 15 (see rejection of claim 15 above), wherein the expectations, uncertainties, and correlations are quantified in form of probability distributions ((Can) Col 5 lines 32-35, 50-65, Col 6 lines 2-5).

In reference to Claim 20:

The method of Claim 20 corresponds to the method of Claim 19, therefore, the method of Claim 20 has been analyzed and rejected as per previously discussed with respect to Claim 19.

In reference to Claim 23:

(Original) The method of claim 19 (see rejection of claim 19 above), wherein the consolidating includes integrating an equivalent of multidimensional probability distributions ((Can) FIG. 6, FIG. 9C; Col 5 lines 32-40, 55-65)

Note: Multidimensional is multivariable (probability)

In reference to Claim 24:

The method of Claim 24 corresponds to the method of Claim 23, therefore, the method of Claim 24 has been analyzed and rejected as per previously discussed with respect to Claim 23.

In reference to Claim 27:

(Currently Amended) The method of claim 15 (see rejection of claim 15 above), wherein information regarding dependencies of the rating result on the entered data is also produced ((Can) FIG. 6, FIG. 7; Col 4 lines 65-67, Col 5 lines 1-15).

In reference to Claim 28:

The method of Claim 28 corresponds to the method of Claim 27, therefore, the method of Claim 28 has been analyzed and rejected as per previously discussed with respect to Claim 27.

In reference to Claim 31:

(Original) The method of claim 15 (see rejection of claim above), further comprising: analyzing the non-over-lapping units with an expert system ((Can) FIG. 2, FIG. 4A; Col 4 lines 37-39, Col 5 lines 43-60).

In reference to Claim 32:

The method of Claim 32 corresponds to the method of Claim 31, therefore, the method of Claim 32 has been analyzed and rejected as per previously discussed with respect to Claim 31.

In reference to Claim 33:

(Original) The method of claim 15 (see rejection of claim above), further comprising: storing the rating result in a database ((Can) FIG. 2; Col 3 lines 30-43, Col 5 lines 32-40).

In reference to Claim 34:

The method of Claim 34 corresponds to the method of Claim 33, therefore, the method of Claim 34 has been analyzed and rejected as per previously discussed with respect to Claim 33.

In reference to Claim 39:

(Original) The method of claim 31 (see rejection of claim 31 above), wherein the expert system compares the non- overlapping units with benchmark units ((Can) Col 6 lines 47-48).

In reference to Claim 40:

The method of Claim 40 corresponds to the method of Claim 39, therefore, the method of Claim 40 has been analyzed and rejected as per previously discussed with respect to Claim 39.

In reference to Claim 41:

(Original) The method of claim 31 (see rejection of claim 31 above), wherein the expert system identifies at least one of the weaknesses, strengths, risks, opportunities, and factors of the non- overlapping units((Can) FIG. 7, FIG. 8A-1 through 8D-2, FIG. 9A-9B; Col 3 lines 15-20, Col 6 lines 26-28; wherein Can teaches correlated percentage rating on predefined elements which defines by the rating the weakness and strengths).

In reference to Claim 42:

The method of Claim 42 corresponds to the method of Claim 41, therefore, the method of Claim 42 has been analyzed and rejected as per previously discussed with respect to Claim 41.

In reference to Claim 51:

(Original) A computer-readable medium comprising computer executable instructions configured to cause a computer device to perform the method of claim 15 ((Can) FIG. 2; Col 5 lines 34-35).

In reference to Claim 52:

The method of Claim 52 corresponds to the method of Claim 51, therefore, the method of Claim 52 has been analyzed and rejected as per previously discussed with respect to Claim 51.

In reference to Claim 53:

The system of Claim 53 corresponds to the system and method of Claims 1 and 15, therefore, the system of Claim 53 has been analyzed and rejected as per previously discussed with respect to Claims 1 and 15.

In reference to Claim 54:

(Original) The system of claim 53 (see rejection of claim 53 above), wherein the means for consolidating includes a data management system including data relating to the specified quantifications of uncertainties and correlations ((Can) FIG. 2, FIG. 8A-1-8D-2).

In reference to Claim 55:

The system of Claim 55 corresponds to the system and method of Claims 8 and 16, therefore, the system of Claim 55 has been analyzed and rejected as per previously discussed with respect to Claims 8 and 16.

In reference to Claim 56:

The system of Claim 56 corresponds to the system and method of Claims 54, therefore, the system of Claim 56 has been analyzed and rejected as per previously discussed with respect to Claim 54.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 4-6, 9, 11-13, 21-22, 25-26 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,757,660 B2 by Canada et al.

(Can) as applied to claim 1 above, and further in view of US Patent No. 6,278,989 B1 by Chaudhuri et al. (Chaud).

In reference to Claim 2:

Can teaches:

(Currently Amended) The system as claimed in claim 1, wherein the integration system is configured to automatically perform at least one of collecting and requesting data if an ...of the produced rating result...

Can does not explicitly teach:

...achieved precision ... is not sufficient.

Chaud teaches:

...achieved precision ... is not sufficient ((Chaud) FIG. 5; Abstract, Col 1 lines 60-65, Col 2 lines 5-33, Col 11 lines 35-38, Col 12 lines 61-67, Col 13 lines 1-24)

Although Can does not explicitly teach an "achieved precision" ..."is not sufficient" to obtain more data, Can does teach explicitly of using statistical math and using normalizing the data gathered for the rating. Normalization is the theoretical frequency distribution for a set of variable data which Can incorporates explicitly. Chaud teaches histograms which are bar graph of a frequency distribution. Chaud teaches the motivation of validating and determining the accuracy of data values in order to determine when enough data has been sample to construct a validated result. Therefore, as both Can and Chaud teach frequency distribution methods it would have been obvious to one of ordinary skill in the art at the time of the invention incorporate in

the teachings of Can the teachings of Chaud in order to verify that the results obtained or valid.

In reference to Claim 4:

The combination Can and Chaud teach:

(Currently Amended) The system as claimed in claim 2 (see rejection of claim 2 above), further comprising: an expert system configured to analyze collected data, in relation to reference data, to measure features of the collected data ((Can) FIG. 2;Col 5 lines 32-40).

In reference to Claim 5:

The combination Can and Chaud teach:

(Currently Amended) The system as claimed in claim 2, wherein the system is configured to perform at least one of analyzing and integrating the collected data, in relation to known factors, to represent effects of at least one of correlations and interdependencies among the selected quantifies ((Can) FIG. 6; Col 4 lines 65-67m Col 5 lines 1-8).

In reference to Claim 6:

The combination Can and Chaud teach:

(Currently Amended) The system as claimed in claim 5, wherein the integration system is configured to consolidate (aggregated, weighted and normalized)said selected quantities, including effects of the uncertainties and correlations ((Can) FIG. 2, FIG. 7; Col 5 lines 20-15, 33-45, 50-60)

In reference to Claim 9:

The combination Can and Chaud teach:

The method of Claim 9 corresponds to the method of Claim 2, therefore, the method of Claim 9 has been analyzed and rejected as per previously discussed with respect to Claim 1.

In reference to Claim 11:

The combination Can and Chaud teach:

The method of Claim 11 corresponds to the method of Claim 4, therefore, the method of Claim 11 has been analyzed and rejected as per previously discussed with respect to Claim 4.

In reference to Claim 12:

The combination Can and Chaud teach:

The method of Claim 12 corresponds to the method of Claim 5, therefore, the method of Claim 12 has been analyzed and rejected as per previously discussed with respect to Claim 5.

In reference to Claim 13:

The combination Can and Chaud teach:

The method of Claim 13 corresponds to the method of Claim 6, therefore, the method of Claim 13 has been analyzed and rejected as per previously discussed with respect to Claim 6.

In reference to Claim 21:

The combination Can and Chaud teach:

(Currently Amended) The method of claim 15 (see rejection of claim 15 above), further comprising…

Can does not teach explicitly:

… interactively and iteratively collecting data relating to the corporation and checking the collected data for completeness and consistency.

Chaud teaches:

… interactively and iteratively collecting data relating to the corporation and checking the collected data for completeness and consistency ((Chaud) FIG. 5; Col 11 lines 15-30, Col 12 lines 13-20, 62-67, Col 13 lines 1-25).

Although Can does not explicitly teach an "checking… data…for completeness and consistency", Can does teach explicitly of using statistical math and using normalizing the data gathered for the rating. Normalization is the theoretical frequency distribution for a set of variable data which Can incorporates explicitly. Chaud teaches histograms which are bar graph of a frequency distribution. Chaud teaches the motivation of validating and determining the accuracy of data values in order to determine when enough data has been sample to construct a validated result. Therefore, as both Can and Chaud teach frequency distribution methods it would have been obvious to one of ordinary skill in the art at the time of the invention incorporate in the teachings of Can the teachings of Chaud in order to verify that the data obtained is sufficient.

In reference to Claim 22:

The combination Can and Chaud teach:

The method of Claim 22 corresponds to the method of Claim 21, therefore, the method of Claim 22 has been analyzed and rejected as per previously discussed with respect to Claim 21.

In reference to Claim 25:

The combination Can and Chaud teach:

(Original) The method of claim 15 (see rejection of claim 15 above), wherein…

Can does not teach:

… a precision of the rating (max error metric) result is also produced ((Can) Col 7 lines 29-55, 64-67, Col 8 lines 1-8, 13-18, 19-27)

Chaud teaches the motivation of validating and determining the accuracy of data values in order to determine when enough data has been sample to construct a validated result. The teaching of Chaud include measuring a maximum error parameter in order to ascertain the validity of the precision of the results. Can teaches explicitly of using statistical math and using normalizing the data gathered for the rating. Normalization is the theoretical frequency distribution for a set of variable data which Can incorporates explicitly. Chaud teaches histograms which are bar graph of a frequency distribution. Therefore, as both Can and Chaud teach frequency distribution methods it would have been obvious to one of ordinary skill in the art at the time of the invention incorporate in the teachings of Can the teachings of Chaud in order measure the error of the data in the probability matrix.

In reference to Claim 26:

The method of Claim 26 corresponds to the method of Claim 25, therefore, the method of Claim 26 has been analyzed and rejected as per previously discussed with respect to Claim 25.

In reference to Claim 29:

The combination Can and Chaud teach:

(Original) The method of claim 15 (see rejection of claim above), wherein a formula is also produced, including functions of at least one of factors and ratios that approximate the rating result ((Can) Col 5 lines 33-40, 52-65, Col 6 lines 17-30, 42-49)...

Can does not teach explicitly:

... with calculable precision

Chaud teaches:

... with calculable precision ((Can) Col 12 lines 55-67, Col 13 lines 1-25)

Chaud teaches the motivation of validating and determining the accuracy of data values in order to determine when enough data has been sample to construct a validated result. The teaching of Chaud include measuring a maximum error parameter in order to ascertain the validity of the precision of the results. Can teaches explicitly of using statistical math and using normalizing the data gathered for the rating. Normalization is the theoretical frequency distribution for a set of variable data which Can incorporates explicitly. Chaud teaches histograms which are bar graph of a frequency distribution. Therefore, as both Can and Chaud teach frequency distribution methods it would have been obvious to one of ordinary skill in the art at the time of the

invention incorporate in the teachings of Can the teachings of Chaud in order produce a rating with an error factor to validate data accuracy.

In reference to Claim 30:

The method of Claim 30 corresponds to the method of Claim 29, therefore, the method of Claim 30 has been analyzed and rejected as per previously discussed with respect to Claim 29.

13. Claim 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,757,660 B2 by Canada et al. (Can) as applied to claim 1 above, and further in view of Official Notice.

In reference to Claim 35:

Can teaches:

(Original) The method of claim 15, further comprising: distributing the rating result by ...computer (see rejection of claim 15 above)

Can does not explicitly teach:

...at least one of a local and global network

Official Notice is taken that it is well known and old in the art to send information on both local (intranet) and global (internet) networks. Can teaches explicitly of sending reports via computer for example company reports, major employers report, business change report, etc..., therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well and old method of sending reports both on local and global networks.

In reference to Claim 36:

The method of Claim 36 corresponds to the method of Claim 35, therefore, the method of Claim 36 has been analyzed and rejected as per previously discussed with respect to Claim 35.

14. Claim 37-38 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,757,660 B2 by Canada et al. (Can) as applied to claim 1 above, and further in view of US Patent No. 6,374,358 B1 by Townsend (Town) .In reference to Claims 37:

Can teaches:

(Original) The method of claim 15 (see rejection of claim 15 above), further comprising: ...

Can does not teach explicitly:

...optimizing the corporation based on the rating result

Townsend teaches:

...optimizing the corporation based on the rating result ((Town) Col 8 lines 1-5).

Can teaches explicitly a method for providing an objective assessment of a predefined subject. Town is explicitly directed toward rating data inputted and recommending based upon the results, actions and countermeasures to be taken ((Town) abstract). Town teaches the need to assess information based on best industry practices and principles in order to select a model of action based upon the assessment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention apply a known technique to a known method ready for improvement to yield predictable results.

In reference to Claim 38:

The method of Claim 38 corresponds to the method of Claim 37, therefore, the method of Claim 38 has been analyzed and rejected as per previously discussed with respect to Claim 37.

In reference to Claim 43:

Can teaches:

(Original) The method of claim 31, wherein the expert system (see rejection of claim 31 above) ...

Can does not teach explicitly:

...derives suggestions to optimize at least one of operation, performance, and competitiveness of the non- overlapping units

Town teaches:

...derives suggestions to optimize at least one of operation, performance, and competitiveness of the non- overlapping units ((Town) Col 4 lines 1-3)

Can teaches explicitly a method for providing an objective assessment of a predefined subject. Town is explicitly directed toward rating data inputted and recommending based upon the results, actions and countermeasures to be taken ((Town) abstract). Town teaches the need to assess information based on best industry practices and principles in order to select a model of action based upon the assessment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention apply a known technique to a known method ready for improvement to yield predictable results.

In reference to Claim 44:

The method of Claim 44 corresponds to the method of Claim 43, therefore, the method of Claim 44 has been analyzed and rejected as per previously discussed with respect to Claim 43.

Claims 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,757,660 B2 by Canada et al. (Can) as applied to claim 15 and 16 above.

In reference to Claim 45:

Can teaches:

(Currently Amended) The method of claim 15 (see rejection of claim 15 above), wherein ...individual risks of the corporation, including any constituents, are consolidated with uncertainties and correlations ((Can)FIG. 3D, 3E, FIG. 6, FIG. 7, FIG. 8A-1-9A; Col 4 lines 65-67, Col 5 lnes 1-9, 10-17, 51-60, Col 6 lines 28-34).

Can does not teach explicitly:

...more than 20...

Can does not teach specifically of a certain number of risks, however Canteaching does include lists of risks a company should consider ((Can) Col 3 lines 42-28, Col 6 lines 29-30).

The applicant does not state why 20 is conditional to the method and how that specific number would affect the results. Consequently, there is no particular relevance to this unit with the invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to include in the rules taught by can, any minimum limit number

including a minimum of "20 individual risk" to create a collection of data to be represented by a probability.

In reference to Claim 46:

The method of Claim 46 corresponds to the method of Claim 45, therefore, the method of Claim 46 has been analyzed and rejected as per previously discussed with respect to Claim 44.

In reference to Claim 47:

Can teaches:

(Currently Amended) The method of claim 15 (see rejection of claim 15 above), wherein ...opportunities of the corporation, including any constituents, are consolidated with uncertainties and correlations

Can does not teach explicitly:

...more than 10 individual risks and 5 opportunities...

Can does not teach specifically of a certain number of risks, however Canteaching does include lists of risks a company should consider ((Can) Col 3 lines 42-28, Col 6 lines 29-30).

The applicant does not state why "10 individual risk and 5 opportunities" are conditional to the method and how that specific number would affect the results. Consequently, the claim does not deem these specific limitations of these specific units with any relevance to the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to include in the rules taught by Can, any limiting number of units as well as "more than 10 individual risks and 5

opportunities" to compile together into data sets ((Can) FIG. 2, FIG. 7; Col 5 lines 20-15, 33-45, 50-60).

In reference to Claim 48:

The method of Claim 48 corresponds to the method of Claim 47, therefore, the method of Claim 48 has been analyzed and rejected as per previously discussed with respect to Claim 47.

In reference to Claim 49:

(Currently Amended) The method of claim 15 (see rejection of claim above), wherein …different quantities representing aspects of the corporation, including any constituents, are consolidated with uncertainties and correlations((Can) Col 3 lines 42-28, Col 5 lines 20-15, 33-45, 50-60, Col 6 lines 29-30).

Can does not teach explicitly:

…more than 10…

Can does not teach of a specific number of quantities, however Can teaching does include lists of risks a company should consider (Col 3, lines 20-27). The applicant does not state why "more than 10 different quantities" is conditional to the method and how that specific number would affect the results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to include in the rules if needed as taught by Can, in the rules any number as well as "more than 10 different quantities" compile together into data sets.

In reference to Claim 50:

The method of Claim 50 corresponds to the method of Claim 49, therefore, the method of Claim 50 has been analyzed and rejected as per previously discussed with respect to Claim 49.

Response to Arguments

Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/M. G./
Examiner, Art Unit 3694

/Mary Cheung/

Primary Examiner, Art Unit 3694